

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

PAMELA HERNANDEZ § § C.A.#: 5:18-cv-200-OLG
VS. § §
WALMART, INC. § § JURY DEMANDED

DEFENDANT'S UNOPPOSED MOTION TO REMAND

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

NOW COMES Wal-Mart Stores, Inc., Defendant in the above styled and numbered cause, and moves this Court to remand this cause of action to the 37th Judicial District Court of Bexar County, Texas, the court in which this matter was pending at the time of such removal, upon the following grounds:

1. Plaintiff filed her cause of action on January 23, 2018, in the 37th Judicial District Court of Bexar County, Texas, entitled *Pamela Hernandez vs. Walmart, Inc.*, Cause No. 2018CI01234.
2. Defendant, Wal-Mart Stores, Inc. filed its Original Answer on February 23, 2018.
3. Defendant, Wal-Mart Stores, Inc. timely filed its Notice of Removal on February 28, 2018 upon the grounds of diversity of citizenship of the parties, and because the amount in controversy exceeded the sum of \$75,000.00, exclusive of interest and cost.
4. The parties conferred on the amount of damages in this case, and Plaintiff's counsel advised counsel for Defendant that the monetary relief sought by Plaintiff does not seek damages exclusive of costs and interests in excess of \$75,000.00. Plaintiff confirmed this by executing a Rule 29 Agreement/Stipulation. (Agreement attached hereto as Exhibit "A"). Based on this agreement, Defendant's counsel advised Plaintiff's counsel that Defendant would agree to remand the case back to state court as the amount in controversy no longer exceeds \$75,000.00.

WHEREFORE, Defendant, Wal-Mart Stores, Inc. prays that this cause be remanded to the 37th Judicial District Court of Bexar County, Texas where it was originally filed.

Dated: April 20, 2018

Respectfully submitted,

DAW & RAY
A LIMITED LIABILITY PARTNERSHIP

s/ Danielle L. Chester

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**ATTORNEYS FOR DEFENDANT,
WAL-MART STORES, INC.**

CERTIFICATE OF CONFERENCE

Counsel for Defendant, Wal-Mart Stores, Inc. conferred with Plaintiff's counsel regarding this Unopposed Motion to Remand on April 19, 2018 and counsel indicated he is unopposed to this motion.

s/ Danielle L. Chester
Danielle L. Chester

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by E-Filing Notification on this the 20 day of April, 2018.

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s/ *Danielle L. Chester*
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